

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES J. DULACY, JR.,)	
)	Civil Action No. 21 – 174
<i>Plaintiff,</i>)	
)	District Judge David S. Cercone
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
ALLEGHENY COUNTY JAIL, <i>et al.</i> ,)	
)	
<i>Defendant.</i>)	
)	

MEMORANDUM ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) entered by Magistrate Judge Lisa Pupo Lenihan on September 7, 2022. (ECF No. 62.) The R&R recommends that this case be dismissed with prejudice for Plaintiff’s failure to prosecute due to his failure to keep this Court informed of his current address and his failure to comply with the Court’s order to file a third amended complaint. Service of the R&R was made on Plaintiff by mail at his last known address, and objections were due by September 26, 2022. The R&R was returned to the Court as undeliverable, and no objections were filed.

The Federal Rules of Civil Procedure provide that a party may file specific written objections to the proposed findings and recommendations of a magistrate judge, and a district judge must conduct a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(2), (b)(3); 28 U.S.C. § 636(b)(91). Here, however, because no party filed any objections to the R&R, this Court reviews the magistrate judge’s decision for plain error. *See Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006); *see also* Fed. R. Civ. P. 72(b),

Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

In this case, upon careful review of the R&R and the entire record, and finding no plain error on the face of the record, the Court will accept Judge Lenihan’s recommendation.

Accordingly, the following Order is now entered.

AND NOW this 24th day of October, 2022,

IT IS HEREBY ORDERED that the R&R (ECF No. 62) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that this case is dismissed with prejudice for Plaintiff’s failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that, pursuant to Federal Rule of Appellate Procedure 4(a)(1), if Plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing an appeal as provided for in Federal Rule of Appellate Procedure 3.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

Cc: James J. Dulacy, Jr.
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Counsel of Record

(Via CM/ECF electronic mail)